SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY

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LAW AND LEGISLATIVE DEPARTMENT

NOTIFICATION

No. 14/LL/78

Dated Gangtok, the 2nd June, 1978.

The following Act of the Sikkim Legislative Assembly having received the assent of the President on the 21st day of March, 1978 is hereby published for general information.

SIKKIM ACT NO. 14 OF 1978

THE SIKKIM AGRICULTURAL LAND CEILING AND REFORMS ACT, 1977

(As amended by Sikkim Act No. 21 of 1978 which received the assent of the President on October 28, 1978 and published in Sikkim Extraordinary Gazette of November 23, 1978)

AN

ACT

to provide for the imposition of a ceiling on agricultural lands, for the vesting of such lands in excess of the ceiling limit and for matters connected therewith, with a view to preventing the concentration of agricultural lands in the State of Sikkim in the hands of a few persons to the common detriment and with a view to bringing about equitable distribution of agricultural lands in the State of Sikkim to subserve the common good.

WHEREAS all bustiwallas in respect of agricultural lands in Sikkim hold such lands directly under the State and there is no intermediate or interposing or intervening interest or agency between the State and such bustiwallas.

And

WHEREAS it is expedient to provide for the imposition of a ceiling on agricultural lands held by the bustiwallas and other persons in the State of Sikkim, for the vesting of such land in excess of the ceiling limit and for matters connected therewith, with a view to preventing the concentration of agricultural lands in the hands of few persons to the common detriment and with a view to bringing about an equitable distribution of the agricultural lands in the State of Sikkim to subserve the common good.

It is hereby enacted in the Twenty-eighth Year of the Republic of India by the Legislature of Sikkim as follows:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Sikkim Agricultural Land Ceiling and Reforms Act, 1977.

(2) It extends to the whole of Sikkim.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "adhiadar" means a person who cultivates the land of a bustiwalla on condition of delivering to or receiving from the bustiwalla a share of the produce of such land.

(b) 'agricultural year' means the Fasli year being the period of twelve calendar months commencing on and from the first day of February of one English year and ending with the thirty-first day of January of the next English Year immediately following;

(c) 'agricultural land' means land which is ordinarily used or which is capable of being used for purposes of agriculture or horticulture and includes such land, notwithstanding that it may be lying fallow for the time being but does not include any land used as homestead;

(d) 'bustiwalla' means a person who holds agricultural lands directly under the State and holds it ordinarily for the purpose of cultivating it by himself or by members of his family or by servants or labourers or by adhiadars or by kutiadars or by other cultivators.

Explanation: 'Cultivator' means a person who cultivates the land of another on condition of payment of any consideration in cash or in kind or in both or on condition of delivering or receiving a share or any fixed quantity of the produce and includes a person who cultivates the land of another person on any terms and conditions except as a paid servant or hired labourer.

(e) 'ceiling limit' means the ceiling limit as determined in accordance with the provisions of Section 6;

(f) 'charitable purpose' includes relief of the poor, medical relief or the advancement of education or any other object of general public utility;

(g) 'competent authority' means any person or authority authorised by the State Government by notification to perform the functions of the competent authority under this Act for such area as may be specified in the notification and different persons or authorities may be authorised to perform different functions;

(h) 'date of vesting' means the date mentioned in the notification under sub-section (1) of section 11;

(i) [1] ["Family" in relation to a person means himself or herself and his wife or husband as the case may be (other than judicially separated wife or husband), minor sons and unmarried daughters.]

(ii) References to wife, son or daughter shall, in relation to a person who is a woman, be construed as references to the husband, son or daughter, respectively, of such woman.

(j) 'homestead' means a dwelling house together with any court-yard, compound, out-house, place of worship, family grave yard, library, office, guest house, tanks, wells, privies, latrines, drains and boundary walls, annexed to or appertaining to such dwelling house.

(k) 'non-agricultural land' means land other than agricultural land or other than land comprised in a forest;

(l) 'notification' means a notification published in the Official Gazette;

(m) 'notified area' means a district or part of a district or in any other area in respect of which a notification has been duly published under Section 5;

(n) "Person" shall include a monastery or other religious, educational, charitable or other institution, co-operative society, corporation, local authority, company registered under any law for the time being in force and all other concerns, institutions or authorities holding agricultural lands before the notified date.

(o) 'prescribed' means precribed by rules made under this Act;

(p) 'religious purpose' means a purpose connected with religious worship, teaching or service or any performance of religious rites;

(q) 'kutiadar' means a person who cultivates a land of a bustiwalla on condition of delivering a fixed quantity of produce of the land or any other fixed amount to the bustiwalla.

Act to override other laws:

3. (1) The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law or any contract or any usage or custom;

(2) for the removal of doubts it is hereby declared that all bustiwallas and all persons holding agricultural lands hold such lands directly under the State and that there is no intermediate or interposing or intervening agency or interest between the State and the bustiwalla or other persons holding agricultural lands and that all such bustiwallas and other persons are liable to pay revenue to the Government of the State of Sikkim for such lands held by them.

Determination of bustiwalla.

4. If any question arises as to whether any person is a bustiwalla or not, such question shall be determined by the competent authority in such manner as may be prescribed.

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1. Substituted by section 2 of Sikkim Agricultural Land ceiling and Reforms (Amendment) Act No. 21 of 1978

CHAPTER II

CEILING ON AGRICULTURAL LAND

Persons not entitled to hold agricultural land in excess of ceiling limit.

5. (1) The State Government may [1] [* * *] by notification declare that with effect from the date mentioned in the notification (hereinafter in this Act referred to as the notified date) no person shall be entitled to hold any agricultural land in excess of the ceiling limit in the State of Sikkim and all lands in excess of the ceiling limit shall vest in the State in accordance with and under the provisions of this Act and the rules and notifications made thereunder.

[2] [Explanation I - The State Government may notify different dates for different areas of the State.

Explanation II - Land held by a bustiwalla as owner along with land cultivated by him in the capacity of an Adhiadar or a Kutiadar shall, for the purposes of this Act, be deemed to be held by him.]

(2) [3] [* * *]

(3) [4] [* * *]

Ceiling limit.

6. (1) The ceiling shall be -

[5] [(a) in the case of person having no family or a family consisting of not more than five members, twelve and a half standard acres, and

(b) in the case of a person having a family consisting of more than five members, twelve and a half standard acres increased by two standard acres for each member in excess of five, so however, that the ceiling area shall not exceed twenty and a half standard acres.

Explanation - (i) For the purpose of this sub-section, all lands held by a person individually or jointly with other members of his family shall be deemed to be held by him.

(ii) Where any holding is held by him, jointly with any prson or persons other than a member of his family, the share of each person in the joint-holding shall be deemed to be held by him.

(2) Every adult son of a person shall be treated as a separate unit and his share in his father's holding or in ancestral holding shall be aggregated along with other land, if any, held by him for the purposes of determining his ceiling limit.

Explanation I - No person who has not completed the age of eighteen years on the date of the notification referred to in sub-section 1 of Section 5 or on the date of future acquisition of land under Section 16 shall be deemed to be an adult.

Explanation II - The expression "adult son" includes an adult son who is dead and has left surviving behind him his widow, minor sons or daughters (other than married daughters) who either do not own any land or hold land less than twelve and a half standard acres.

(3) Notwithstanding anything in the preceding sub-sections, a monastery or other religious institution shall be entitled to hold -

(a) sixty standard acres, if it is listed in Group A of Schedule I, and

(b) twenty-five standard acres, if it is listed in Group B of Schedule I.

(4) The provisions of this Act shall not apply to -

(a) Land used for growing tea to the extent notified by the State Government;

(b) land owned by the State Government or the Union Government or an undertaking or company owned by the State or the Union Government or by a local authority;

(c) land held by a co-operative society including a co-operative Bank, the State Bank of India, a subsidiary of the State Bank of India as defined in the State Bank of India (Subsidiary Banks) Act, 1959, a corresponding new bank as defined in the Banking Commpanies (Acquisition and Transfer of Undertakings) Act, 1970, the Agricultural Refinance Corporation and the Agricultural Finance Corporation;

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1. The words "from time to time" is deleted by sub-section (1) of Section 3 of the Sikkim Agricultural Land ceiling and Reforms (Amendment) Act No. 21 of 1978.

2. Added by sub-section (1) of Section 3 of the Sikkim Agricultural Land ceiling and Reforms (Amendment) Act No. 21 of 1978.

3 & 4 Deleted by svb-section (2) of Section 3 of the Sikkim Agricultural Land Ceiling and Reforms (Amendment Act No. 21 of 1978.

5. Substituted by Section 4 of the Sikkim Agricultural Land Ceiling

Provided that in the case of a co-operative society, no member shall be allowed to hold a share of the land which, together with his other land, exceeds the ceiling applicable to him under sub-section (1); and

(d) land held for industrial purposes to the extent notified by the State Government in each case and for the period the Land continues to be used for such purposes.

Explanation - I Use of the land for a purpose other than that notified by the State Government shall be deemed to be cessation of use for industrial purposes unless such different use is approved by the State Government.

Explanation II - Use of land for cultivation of crops to be used for industrial purposes shall not amount to use for industrial purposes.

(5) The "standard acre" for different areas for the State shall be determined in the manner provided in Schedule II.]

Transfer of land.

7. No person holding agricultural land in excess of the ceiling limit immediately before the notified date shall transfer any such land or part thereof by way of sale, mortgage, gift, lease or otherwise [1] [or cause any alteration in the use of such land] until he has furnished a statement under Section 8 and a notification regarding the excess land held by him has been published under sub-section (1) of Section 11; and any such transfer [2] [or change in the use of land] in contravention of this provision shall be deemed to be null and void.

Persons holding land in excess of ceiling limit to file statement

8. (1) Every person holding agricultural land in excess of the ceiling limit on the notified date shall within such period as may be prescribed file a statement before the competent authority having jurisdiction specifying the lacation, extent or such other particulars as may be prescribed of all agricultural lands held by him and also specify the lands within the ceiling limit which he intends to retain.

(2) If the competent authority is of opinion that any person ho'ds on the notified date agricultural lands in excess of the ceiling limit, then notwithstanding anything contained in sub-section (1), it may serve a notice upon such person requiring him to file, within such period as may be specified in the notice, the statement referred to in sub-section (1).

(3) The competent authority may, if it is satisfied that it is necessary so to do, extend the date for filing the statement under this section by such further period or periods as it may think fit.

(4) The statement under this Section shall be filed by such person and in such manner as may be prescribed.

Preparation of draft statements as regards lands in excess of ceiling limit.

9. (1) [3] [on the basis of the statement filed by a person under sub-section (1) of Section 8 and in cases where a person fails to file a statement inspite of service of a notice under sub-section (2) of the said section, the Competent Authority may, after such inquiry as he may consider necessary either by himself or by any person subordinate to him, cause to be prepared a draft statement in respect of that person.]

(2) Every such draft statement prepared under sub-section (1), shall contain the following particulars, namely:—

(i) the name and address of the person,

(ii) the particulars of all agricultural lands held by such person;

(iii) the particulars of agricultural lands which such person intends to retain within the ceiling limit;

(iv) such other particulars as may be prescribed.

(3) The draft statement shall be served in such manner as may be prescribed on the person concerned together with a notice stating that any objection to the draft statement shall be preferred within thirty days from the service thereof.

(4) The competent authority shall duly consider any objection received within the period specified in the notice referred to in sub-section (3) or within such further period or periods as may be extended by the competent authority for any good or sufficient reason, from the person on whom a copy of the draft statement has been served under that sub-section and the competent authority shall, after giving the objector a reasonable opportunity of being heard, pass such orders as it deems fit.

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1 & 2. Inserted by section 5 of the Sikkim Agricultural Land Ceiling and Reforms (Amendment) Act No. 21 of 1978.

3. Substituted by section 6 of Sikkim Agricultural Land Ceiling and Reforms

Competent authority to have powers of a Civil Court.

[1] [9A. The Competent Authority shall, for the purpose of this Chapter, have the powers of a Civil Court under the law for the time being in force relating to Civil Procedure in respect of the following matters, namely:—

(a) proof of facts by affidavits;

(b) enforcing attendance of any person and his examination on oath;

(c) production of documents; and

(d) issue of commission.]

Final statement.

10. After the disposal of the objection, if any, received under sub-section (4) of Section 9, or after the disposal of any appeal, if preferred under Section 13 [2] [or section 14,] the competent authority shall make the necessary alterations in the draft statements in accordance with the orders passed on the objection as aforesaid or in accordance with the orders, if any, passed under Section [3] [13 or Section 14,] as the case may be, and shall determine the land held by the person concerned in excess of the ceiling limit and also the land which such person shall be allowed to retain within the ceiling limit and shall prepare a final statement on the basis of the draft statements as so altered and cause a copy of the final statement as so prepared to be served in the manner referred to in sub-section (3) of Section 9 on the person concerned.

Vesting of lands in excess of ceiling limit.

11. (1) As soon as may be after the service of the finall statement under Section 10 on the person concerned the competent authority may by notification declare that all lands determined as in excess of the ceiling limit under Section 10 shall with effect from such date as may be specified in the declaration, be deemed to have been vested in the State and upon the publication of such declaration all such lands shall vest absolutely in the State free from all encumbrances with effect from the date so specified.

(2) [4] [The encumbrances, if any, on the excess land vested in the State in pursuance of sub- section (1) shall attach to the amount payable under sub-section(1) of Section 12.]

(3) Where any excess land is vested in the State under sub-section (1), the competent authority, may, by notice in writing, order any person who may be in possession of such land to surrender or deliver possession thereof to the State Government or to any officer duly authorised by the competent authority in this behalf, within thirty days of the service of the notice.

(4) If any person refuses or fails to comply with an order made under sub-section(3), the competent authority may take possession of the excess land or cause it to be given to the State Government or to any person authorised by the State Government in this behalf and may for that purpose use such force as may be necessary.

[5] [(5) Without prejudice to the provisions of sub-section (4), a person who does not surrender or deliver possession of the excess land within thirty days of the service of the notice referred to in sub-section (3) shall be liable to pay to the State Government for the period he continues in possession of such land such amount as may be determined by the Competent Authority in the prescribed manner and such amount shall be recoverable as an arrear of land revenue.]

Payment of amount for excess land.

12. (1) Where any excess land vests or is deemed to have been vested under sub-section (1) of Section 11 the State Government shall pay to the person or persons holding such land immediately before the date of vesting an amount determined by the competent authority according to the following principles:—

[6] [(i) for the first twenty standard acres, an amount being two hundred times the land revenue payable for such land;

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1. Inserted by section 7 of the Sikkim Agricultural Land Ceiling and Reforms (Amendment) Act No. 21 of 1978.

2 & 3. Inserted by section 8 of the Sikkim Agricultural Land Ceiling and Reforms (Amendment) Act No. 21 of 1978.

4. Substituted by sub-section (1) of Section 9 of the Sikkim Agricultural Land Ceiling and Reforms (Amendment) Act No. 21 of 1978.

5. Added by sub-section (2) of Section 9 of the Sikkim Agricultural

(ii) for the next thirty standard acres, an amount being one hundred times the land revenue payable for such land;

(iii) for the next fifty standard acres, an amount being fifty times the land revenue payable for such land; and

(iv) for the remaining land, an amount being twenty-five times the land revenue payable for such land.]

(2) Before determining the amount to be paid as aforesaid, every person interested shall be given an opportunity to state his case as to the amount to be paid to him.

(3) Notwithstanding anythihg contained in the foregoing provisions, if the State Government is of opinion that as a result of imposition of ceiling limit on the lands held by a monastery or other religious institution and vesting of the excess lands as a rsesult thereof it has become difficult for such monastery or religious institution to carry on proper management and administration, the state Government, may in accordance with such rules as may be prescribed, pay to such monastery or religious institution, such annual sum not exceeding the average of the amounts received by such monastery or religious institution from such excess lands during the preceeding three years immediately before the date of vesting.

Constitution of Tribunal and appeals thereto.

13. (1) If any person is aggrieved by an order of the competent authority under Section 4 or sub-section (4) of Section 9 or Section 12, he may within thirty days from the date of the order prefer an appeal to the Tribunal to be constituted by the State Government.

(2) Such Tribunal shall consist of a sole member who shall be not below the rank of a Deputy Secretary to the State Government.

(3) The Tribunal may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(4) In deciding appeals, the Tribunal shall exercise all the powers which a Civil Court has and shall follow as far as possible, the same procedure which a Civil Court follows in deciding appeals against decrees of an original court under the law relating to Civil Procedure.

Second appeal to state Land Tribunal.

14. (1) If any person is aggreived by any decision of the Tribunal constituted under Section 13, he may within [1] [sixty days] from the date of the decision prefer an appeal to the state Land Tribunal to be constituted by the State Government.

(2) Such Tribunal shall consist of a member who shall not be below the the rank of a District Judge or an Additional District Judge.

(3) The State Land Tribunal may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(4) In deciding appeals under this Section, the State Land Tribunal shall exercise all the powers and shall follow the same procedure to be followed by the Tribunal under sub-section (4) of Section 13 and may vary, alter, modify or set aside the order of such Tribunal or pass such other orders as it may deem fit.

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1. Substituted by section 11 of the Sikkim Agricultural Land Ceiling and Reforms (Amendment) Act No. 21 of 1978 for the words "Thirty" days.

(5) Save as otherwise provided, no Court or Tribunal except the Supreme Court exercising jurisdiction under Article 136 of the Constitution of India, shall have any jurisdiction with respect to all or any of the matters falling within the jurisdiction of the Tribunal or the State Land Tribunal.

Mode of Payment of amount.

15. The State Government shall within a period of ten months from the date of the order of the competent authority determining the amount to be paid under Section 12, or in a case where an appeal has been preferred against such order under Section 13, or under Section 14, within a period of ten months from the date of the final appellate order, pay the amount determined under Section 12 or under Section 13 or under Section 14, as the case may be, to the person or persons entitled thereto in ten equal instalments and such amount shall carry interest at the rate of five percent per annum from the date of the order under Section 12 until final payment.

[1] [Provided that where the amount payable to a person does not exceed the sum of rupees one thousand, the entire amount shall be paid in a lump sum.]

Ceiling limit of future acquisition of land.

16. (1) If on or after the commenecment of this Act or on or after the notified date or on or after the date of vesting under Section 11, any person acquires by transfer, inheritance, or otherwise any agricultural land the extent of which together with the extent of the agricultural land held by him exceeds in aggregate the ceiling limit, then he shall within three months of the date of such acquisition, file a statement before the competent authority having jurisdiction specifying the extent, location and such other particulars as may be prescribed of all the agricultural lands held by him and also specifying the agricultural lands within the ceiling limits which he intends to retain.

(2) The provisions of Section 8 to 15 (both inclusive) shall, so far as may be, apply to the statement filed under this section and to the land held by such person in excess of the ceiling limit.

Bar of Jurisdiction.

17. Save as otherwise provided in this Act, no Civil Court shall have jurisdiction to decide or deal with any question or to determine any matter which is by or under this Act or any rules made there under required to be decided or dealt with or to be determined by the competent authority or any other authority and no orders passed or proceedings commenced under the provisions of this Chapter shall be called in question in any Civil Court.

Cultivation by cultivators.

18. (1) Where any land vested in the State under Section 11 is being cultivated by a cultivator, the right of cultivation of such cultivator in relation to any such vested land which including any other land held or cultivated by him is in excess of three standard acres shall on and from the date of vesting stands terminated.

(2) Every cultivator shall in relation to the land which he is authorised by sub-section (1) to retain under his cultivation become on an from the date of vesting a bustiwalla in respect of such land.

(3) If such cultivator is also a bustiwalla in respect of any other land immediately before the date of vesting in excess of three standard acres he shall not be entitled to retain under his cultivation any land under sub-section (1) and his right of cultivation in respect of all excess lands as referred to in sub-section (1) shall stand terminated.

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1. Added by section 12 of the Sikkim Agricultural Land ceiling and Reforms (Amendment) Act No. 21 of 1978.

State Government to be party to all proceedings.

[2] [18A. The State Government shall be party to all proceedings under the provisions of this Chapter.

Penalties.

[3] [18B. Whoever contravenes any order passed under this chapter or obstructs any person from taking possession of any land under Section 11 or fails to furnish the statement required under Section 16 or makes or submits a statement or furnishes any information which is false or which he has reasons to believe to be false, shall be punishable with fine which may extend to one thousand rupees.

Recovery of arrears of land revenue and other Government dues.

[4] [18C. All arrears of land revenue and other Government dues in respect of any holding or holdings, part or parts whereof has or have been acquired under this Chapter may, without prejudice to any other mode of recovery, be recovered by deducting the outstanding amount from the amount payable under Section 12.

Recovery of excess amount paid.

[5] [18D. Where on account of an arithmetical error a person has been paid any amount in excess of what he is entitled to under Section 12, the State Government shall be competent to recover the excess amount as an arrear of land revenue;

Provided that no order for recovery of any such amount shall be made without giving the person an opportunity of being heard by the Competent Authority.

2,3, 4 & 5 Added by Ssection 13 of the Sikkim Agricultural Land Ceiling and Reforms (Amendment) Act No. 21 of 1978.

CHAPTER III

PREPARATION OF RECORD - OF - RIGHTS.

Preparation of record-of-rights.

19. (1) The State Government may, for the purpose of carrying out the purposes of this Act, make an order directing that a record - of - rights be prepared in respect of all agricultural lands in the State of Sikkim or for such area as may be specified in the notification.

(2) The State Government may by order declare that the record-of rights, if any already in the process of preparation or already made or prepared immediatley before the commencement of this Act shall be deemed to be the record-of-rights prepared and published under this section and may, if necessary, order such record-of-rights to be revised.

(3) The preparation of record-of-rights under sub-section (1) or the revision of record - of -rights under sub-section (2) shall be made by such officer appointed by the State Government referred to as the Revenue Officer in this Act, in accordance with such rules as may be prescribed and shall contain such particulars as may be prescribed.

Draft and final publication of the record-of-rights:

20. (1) When a record-of-rights has been revised or prepared the Revenue Officer shall publish a draft of the record so revised or prepared in the prescribed manner and for the prescribed period and shall receive and consider any objection which may be made during such period to any entry therein or to any omission therefrom.

(2) When all such objections have been considered and disposed of according to such rules as may be prescribed in this behalf, the Revenue Officer shall finally prepare the record and cause such record to be finally published in the prescribed manner and make a certificate stating the fact of such final publication and the date thereof and shall date and subscribe the same under his name and official designation.

(3) Separate publication of different parts of draft or final records may be made under sub-section (1) or sub-section (2) for different local areas.

(4) An Officers specially empowered by the State Government may, on application within one year or of his own motion within such period as may be prescribed from the date of final publication of the record-of rights under sub-section (2), revise an entry in the record finally published under the provisions of sub-section (2) after giving the persons interested an opportunity of being heard and after recording reasons therefor.

(5) Any person aggrieved by an order passed under sub-section (4) may, within such period as may be prescribed, appeal in the prescribed manner to the Tribunal constituted under Section 13.

(6) The certificate of final publication referred to in sub-section (2), or in the absence of such certificate, a certificate signed by the Revenue Officer of the area were the lands to which the record-of-rights relates is wholly or partly situate, stating that a record-of-rights has been finally published on a specified date, shall be conclusive proof of such publication and of the date thereof.

(7) The State Government may, by notification, declare with regard to any area specified in the notification that the record-of-rights for such area has been finally published and such notification shall be conclusive proof of such publication.

(8) In any suit or other proceeding in which a record-of-rights prepared and finally published under this Chapter, or a duly certified copy of the record or an extract therefrom, is produced, such record-of-rights shall be presumed to have been finally published.

(9) Every entry in the record-of-rights finally published under sub-section (2) including an entry revised under sub-section (4) subject to any

modification by an order on appeal under sub-section (5), or corrected under Section 21 shall be presumed to be correct.
[1] [* * * *]

Bar of jurisdiction of civil court in respect of certain matters.

22. (1) When an order has been made under Section 19 directing revision or preparation of a record-of-rights, no civil Court shall entertain any suit or application for the determination of the revenue or the incidents of any land or the status of any person in relation to any land to which the record-of-rights relates, and if any suit or application in which any of the aforesaid matters is in issue, is pending before a Civil Court on the date of such order, it shall be stayed and it shall on, the expiry of the period prescribed for an appeal under sub-section (5) of Section 20 or when such an appeal has been filed under that sub-section, on the disposal of such appeal, abate so far as it relates to any of the aforesaid matters.
Explanation : In this Section 'suit' includes an appeal.

(2) No Civil Court shall entertain any suit or application concerning any land if it relates to any alteration of any entry in the record-of-rights finally published, revised, corrected or modified under any of the provisions of this Chapter.

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1. Section 21 is omitted by section 14 of the Sikkim Agricultural Land Ceiling Land Reforms (Amendment) Act No. 21 of 1978.

CHAPTER IV

DISTRIBUTION OF VESTED LANDS

Principles of distribution of lands.

23. (1) Subject to the provisions of this Act and the rules made thereunder, the settlement of lands which vest in the State under Section 11 shall be made, on such terms and conditions and in such manner as may be prescribed, with persons who reside near the locality where the land is situated and who intend to bring the land under personal cultivation and who owns no land or less than three standard acres of land, preference being given to those among such persons who form themselves into a co-operative farming society.

Provided that settlement of any such lands may be made with other persons where such settlement is in the opinion of the State Government necessary for the public purpose connected with agricultural or otherwise on such terms and conditions as the State Government may think fit.

(2) Subject to the provisions of sub-section (1), all lands vested in the State under this Act, shall be disposed of or otherwise dealt with to subserve the common good on such terms and conditions as the State Government may deem fit.

(3) Notwithstanding anything contained in sub-section (1) and (2), where the State Government is satisfied that it is necessary to retain or reserve any such land vested under this Act for the purpose of the State Government or any other public purpose, it shall be competent for the State Government to retain or reserve such land for the same.

CHAPTER V

MANAGEMENT OF LANDS VESTED IN THE STATE

Management of vested land by the State.

24. All lands and all interests therein vested in the State under this Act shall, unless the State Government otherwise directs by any general or special order and subject to such rules as may be prescribed by the State Goverment in this behalf, be managed by the Collector of the district in which the lands are situated.

Provided the State Government may entrust the management of such lands in any area to such authority as may be prescribed and such authority shall, thereupon manage the lands subject to the control of the State Government and in accordance with such rules as may be prescribed.